IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Iwao Hatanaka

Art Unit: 2141

Serial Number: 09/781,616

Confirmation No.: 9505

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Docket No.: CHA9-99-015

Title: METHOD AND SYSTEM FOR AUTOMATED SESSION RESOURCE CLEAN-UP IN A DISTRIBUTED CLIENT-SERVER ENVIRONMENT

Examiner: Luu, Le Hien

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Notice of Appeal has been filed together with this Request. Please charge Deposit Account No. 09 - 0469 for any fees required for filing this Request.

Applicant submits that the above-identified application is not in condition for appeal because the rejection is obviously defective due to errors in facts and in law. Claims 1-11 are pending. In the Final Office Action of 1/10/06 (Office Action), claims 1-11 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sayan et al. (USPN 6,477,569), hereinafter "Sayan." Applicant submits that this rejection is clearly not proper and without basis for the reasons stated below.

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With regarding to claims 1, 5 and 9-10, the claimed invention includes, *inter alia*, "determining a combination of whether the resources have been held by the remote client for a period longer than a first preset threshold and whether the resources have been held by the remote client without use of the resources for a period longer than a second preset threshold[,]" as recited in claim 1 and claimed similarly in claims 5 and 9-10. In the claimed invention, "in response to the system identifying that the remote client is no longer using resources at the server, a mechanism ... removes the resources[.]" (Claim 1). The Office alleges that Sayan discloses this feature, citing col. 8, line 64 – col. 9, line 5 and col. 12, line 35 – col. 14, line 20 of Sayan. (Office Action at page 3). In the cited portion, Sayan discloses a maximum idle time threshold (*see*, e.g., col. 12, lines 62-64) and a CPU limit (*see* col. 8, line 64-67). Although not specifically expressed, it appears from the context of the Office Action and the Advisory Action of 4/7/06 (Advisory Action) that the Office uses the maximum idle time threshold of Sayan to disclose the second threshold of the claimed invention. (*See* Office Action at page 3, last paragraph; see also Advisory Action at page 2, 3rd paragraph.) However, even if, for sake of argumentation, Sayan disclosed the second threshold of the claimed invention, Sayan still does not disclose "determining ... whether the resources have been held by the remote client for a period longer than a first preset threshold[,]" so that "a mechanism ... removes the resources[.]" (Claim 1).

In Sayan. "[t]he CPU limit defines the maximum number of CPU cycles in seconds allowed to process a transaction." (Col. 8, lines 3-4). Sayan requires that "[t]he CPU parameter should be set greater than the maximum time and preferably to at least twice the maximum time used for the longest of all transactions serviceable by the pool agent." (Col. 8, lines 64-67). However, the CPU limit in Sayan does not define a threshold of a period that a client application

holds a pool agent (resources) because during a communication of Sayan, a client application may request and a pool agent may perform more than one transaction. (*See*, e.g., col. 12, lines 53-54, "[a]dditional requests maybe received by the pool agent from the client.") For example, if each of all the transactions requested by a client application is processed by a pool agent within the CPU limit, a communication between the pool agent and the client application can exist for a period longer than the CPU limit, provided that an idle time of the pool agent does not exceed the maximum (the assumed second threshold). That is, the CPU limit of Sayan is not a threshold for a client application to hold a pool agent (resources). In other words, Sayan will not remove the resources even if a client application holds and uses a pool agent for multiple transactions for a period longer than the CPU limit. In view of the foregoing, Sayan does not disclose, *inter alia*, determining whether the resources have been held by the remote client for a period longer than a first preset threshold to remove the resources. Accordingly, Applicant respectfully requests withdrawal of the rejection.

The dependent claims are believed allowable for the same reason as stated above, as well as for their own additional features.

In view of the foregoing, Applicant submits that the rejection is obviously defective, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

Dated: 4/27/06

Michael F. Hoffman
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)